



Ernie Fletcher
Governor

Mark David Goss
Chairman

LaJuana S. Wilcher, Secretary
Environmental and Public
Protection Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Teresa J. Hill
Vice Chairman

Christopher L. Lilly
Commissioner
Department of Public Protection

Gregory Coker
Commissioner

Thomas J. FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

October 3, 2005

RE: Case No. 2005-00089

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

BOD/jc
Enclosure

Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc
Post Office Box 1070
Frankfort, KY 40602

Sherman Goodpaster III
East Kentucky Power Cooperative
4775 Lexington Road
P O Box707
Winchester, KY 40392-0707

Jerry E Mendl
MSB Energy Associates, Inc
7507 Hubbard Ave
Middleton, WI 53562

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO. 2005-00089
NECESSITY FOR THE CONSTRUCTION OF A)	
138 KV ELECTRIC TRANSMISSION LINE IN)	
ROWAN COUNTY, KENTUCKY)	

O R D E R

Before the Commission are the motions of East Kentucky Power Cooperative, Inc. ("Applicant") for clarification of our Order of September 27, 2005 and of Doug Doerrfeld to reschedule oral arguments in this matter. By this Order, we grant the motions.

On August 19, 2005, the Commission entered an Order denying the application for a Certificate of Public Convenience and Necessity to construct a 138 kV electric transmission line in Rowan County, Kentucky. Applicant applied for rehearing on several issues and further requested that oral arguments be held on these issues. On September 27, 2005, the Commission granted the application for rehearing and set a time for oral arguments. More specifically, we ordered that "East Kentucky Power's request for oral argument on rehearing is granted."

On September 29, 2005, Intervenor Doug Doerrfeld filed an unopposed request that the argument be rescheduled because his attorney has a conflict with the

previously scheduled time. The Commission finds that the oral argument should be rescheduled.

Also on September 29, 2005, Applicant moved for clarification of our Order of September 27, 2005. In its motion, it expresses the position that in our Order of September 27, 2005, we failed to either grant or deny the application. Rather than render a decision on the application for rehearing, Applicant suggests, we merely established a time for oral arguments on the application for rehearing. Applicant further expresses the concern that the time for these oral arguments will not permit the Commission to address the application in the time period required by KRS 278.400.

In light of Applicant's motion, the Commission finds that the Order of September 27, 2007 should be clarified. In our Order of September 27, 2005, the Commission granted Applicant's application for a rehearing on the issues set forth in the application. Rehearing, however, is limited to oral arguments. No party will be permitted to present further evidence in this matter. The Commission further clarifies that it has allotted 50 minutes for the argument, with each side being allocated 25 minutes. Applicant shall have the right to open and close oral argument. Before its opening argument, Applicant shall advise the Commission of the portion of its allotted time that it is reserving for rebuttal. After considering the parties' oral arguments, we will decide whether any findings or conclusions contained in our Order of August 19, 2005 should be amended or otherwise revised.

IT IS THEREFORE ORDERED that:

1. Applicant's motion for clarification is granted.

2. The first sentence of the ordering paragraph of the Order of September 27, 2005 is clarified and amended to read:

IT IS THEREFORE ORDERED that East Kentucky Power's application for rehearing is granted for the limited purpose of considering oral argument on the issues set forth in East Kentucky Power's application.

3. Intervenor's motion to reschedule the oral argument in this proceeding is granted.

4. The parties shall present oral argument to the Commission on October 17, 2005 at 1:30 p.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, on the issues set forth in Applicant's application for rehearing.

Done at Frankfort, Kentucky, this 3rd day of October, 2005.

By the Commission

ATTEST:


Executive Director